

Executive Order 12197
March 1980
(Munster Bay)

*Executive Orders re employment
of spouses*

Presidential Documents

Executive Order 12197 of March 5, 1980

Central Intelligence Agency Retirement and Disability System

By the authority vested in me as President of the United States of America by Section 292 of the Central Intelligence Agency Retirement Act of 1954 for Certain Employees, as amended (50 U.S.C. 403 note), and in order to conform the Central Intelligence Agency Retirement and Disability System to certain amendments to the Civil Service Retirement and Disability System (Public Law 85-317 and Public Law 95-366), it is hereby ordered as follows:

1-101. The Director of Central Intelligence shall maintain the Central Intelligence Agency Retirement and Disability System in accordance with the following principles:

(a) The automatic restoration of the reduction in the annuity of the annuitant upon his or her remarriage shall be eliminated and the annuitant shall be allowed to elect, upon such remarriage, whether to provide a survivor annuity for the new spouse. The annuitant's election shall be irrevocable during the remarriage, and must be made in a signed writing and received by the Director within one year after the date of the remarriage. If the annuitant makes such an election, his or her annuity shall be reduced by the same percentage reduction which was in effect immediately before the dissolution of the previous marriage, and such reduction shall take effect on the first day of the month beginning one year after the date of the remarriage.

(b) The reduction in the annuity of an annuitant shall be restored when a person designated as having an insurable interest in the annuitant predeceases the annuitant. Payment of the annuity at the single-life rate shall be effective the first day of the month following the death of the individual designated as having had the insurable interest.

(c) An annuitant who was unmarried at the time of retirement but who marries after retirement shall be allowed to irrevocably elect, in a signed writing received by the Director within one year after the date of the marriage, a reduction in his or her annuity to provide a survivor annuity for his or her spouse. Such reduction shall be effective the first day of the month beginning one year after the date of marriage. An election to provide an annuity to a surviving spouse made under this provision, voids prospectively any previous election to provide a survivor annuity to an individual named as having an insurable interest in the annuitant. Since the annuity reduction for the benefit of a surviving spouse will not take effect until the first day of the first month beginning one year after the date of the marriage, any annuity reduction in effect for an insurable interest benefit will not terminate until such date.

(d) Each annuitant shall be informed, on an annual basis, of such annuitant's rights of election under this Order.

(e) Payments to an annuitant which are based upon his or her service shall be paid, in whole or in part by the CIA Retirement and Disability System to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this provision to a person bars recovery by any other person. This provision shall only apply to payments made after the date of receipt by the Director of written notice of such decree, order, or agreement, and such additional

information and documentation as the Director may prescribe. As used in this subsection "court" means any court of any State or the District of Columbia.

1-102. (a) The provisions of Section 1-101(a) are effective as of October 1, 1978, and shall apply with respect to annuities which commence before, on, or after October 1, 1978. No monetary benefit by reason of such provisions shall accrue for any period before such effective date. The provisions of Section 1-101(a) of this Order shall not affect the eligibility of any individual to a survivor annuity in the case of an annuitant who remarried before October 1, 1978, unless the annuitant notifies the Director in a signed writing received by the Director no later than December 31, 1980, that such annuitant does not desire the spouse of the annuitant to receive a survivor annuity in the event of the annuitant's death. Such notification shall take effect the first day of the first month after it is received by the Director.

(b) The provisions of Section 1-101 (b) and (c) are effective as of October 1, 1978, and shall apply with respect to annuities which commence before, on, or after October 1, 1978. No monetary benefit by reason of such provisions shall accrue for any period before such effective date.

(c) The provisions of Sections 1-101 (d) and (e) are effective immediately.
1-103. The Director of Central Intelligence is authorized to prescribe such regulations as are necessary to carry out the provisions of this Order.

THE WHITE HOUSE,
March 5, 1980.

Jimmy Carter

[FR Doc. 80-7271
Filed 3-5-80; 1:10 pm]
Billing code 3195-01-M

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